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November 30, 2009

Via ECF

Hon. Steven M. Gold, U.S.M.J.

United States Court House

225 Cadman Plaza East

Brooklyn, NY 11201

Re: Dollar Phone Corp. v. Dunn & Bradstreet Corp., 09-3645 (ILG) (SMG)

Dear Judge Gold:

This firm is counsel to plaintiffs (collectively “Dollar Phone”) in the above-referenced action. Dollar Phone would like to proceed with the conference as scheduled. This case has been pending for a number of months without any judicial supervision.

Notwithstanding the contemplated motion to dismiss, there is no reason to stay discovery. It is highly unlikely that the contemplated motion -- even if granted in part -- will result in dismissal of the complaint altogether, and the underlying factual issues will not change. Discovery will focus on Dunn & Bradstreet’s improper tactics to coerce small businesses to purchase products needed to protect the businesses’ credit rating from improper downgrading by Dunn & Bradstreet. The amended complaint, styled as a class action, asserts claims for breach of contract, unjust enrichment and violation of various consumer fraud statutes. All of the claims are predicated on the same underlying improper practices of Dunn & Bradstreet, which are the proper subject for discovery.

Mr. Halper is correct that all counsel is derelict in not having conferred as required by Fed.R.Civ.P. 26(f). I apologize to the Court for that oversight. However, now that the failing has been pointed out by Mr. Halper, there is no reason why the parties cannot confer via telephone tomorrow or even at the courthouse December 2 before the scheduled hearing. Regarding the emails Mr. Halper claims to have sent to me regarding the upcoming hearing, I never received any of them.

In light of the foregoing, it is respectfully requested that the hearing proceed on December 2, 2009 at 11a.m., and that the parties make sure to confer pursuant to Rule 26(f) prior to the court conference.

Respectfully yours,
/s/
Peretz Bronstein

cc: Jason Halper, Esq.